

Message Text

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TAGS: SHUM

SUBJECT: ADVANCE NOTIFICATION OF HUMAN RIGHTS REPORTS

1. FINAL TEXT OF HUMAN RIGHTS REPORT FOR TUNISIA, WHICH WILL
BE SUBMITTED TO CONGRESS BY JANUARY 31, IS TRANSMITTED HERE-
WITH. YOU SHOULD, AT YOUR DISCRETION, PROVIDE TEXT OF
REPORT TO APPROPRIATE HOST GOVERNMENT OFFICIALS.

2. IN PROVIDING COPY TO HOST GOVERNMENT, YOU SHOULD MAKE
THE FOLLOWING POINTS IN EXPLANATION:

-- THE EFFECT OF LEGISLATION WHICH BECAME EFFECTIVE LAST
YEAR IS TO REQUIRE THE SECRETARY TO SUBMIT A "FULL AND
COMPLETE" REPORT ON THE STATUS OF INTERNATIONALLY-RECOGNIZED
HUMAN RIGHTS IN EACH COUNTRY WHICH RECEIVES EITHER DEVELOP-
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MENT OR SECURITY ASSISTANCE FROM THE UNITED STATES.

-- WE BROUGHT THIS LEGAL REQUIREMENT TO THE ATTENTION OF
THE TUNISIAN GOVERNMENT LAST NOVEMBER.

-- 109 SUCH HUMAN RIGHTS REPORTS WILL BE SUBMITTED TO THE
CONGRESS O/A JANUARY 31. WE ARE PROVIDING THEREFORE A

COPY OF THE RPPORT ON TUNISIA.

-- CONGRESS HAS EXPRESSLY REQUESTED THAT INFORMATION PUBLISHED BY INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS BE INCLUDED IN THE REPORT.

-- THE DEPARTMENT OF STATE WILL NOT DISTRIBUTE THESE REPORTS TO THE PRESS OR PUBLIC OR OTHERWISE DRAW ATTENTION TO THEM. HOWEVER, THEY WILL BE MADE A MATTER OF PUBLIC RECORD BY THE CONGRESS AND WE EXPECT THEY WILL RECEIVE ATTENTION IN THE PRESS.

3. BEGIN TEXT:

THE FULL RANGE OF INTERNATIONALLY-RECOGNIZED HUMAN RIGHTS IS GUARANTEED UNDER THE TUNISIAN CONSTITUTION AND GENERALLY IS RESPECTED BY TUNISIAN AUTHORITIES. TUNISIA IS WORKING TO MAINTAIN A DEMOCRATIC SYSTEM IN THE FACE OF EXTERNAL ANTAGONISMS AND INTERNAL ECONOMIC AND POLITICAL PRESSURES. THE TUNISIAN GOVERNMENT IS INCREASINGLY AWARE OF THE IMPORTANCE OF HUMAN RIGHTS AS BOTH A DOMESTIC AND AN INTERNATIONAL ISSUE. AUTHORIZATION FOR THE ORGANIZATION OF A TUNISIAN "LEAGUE FOR THE RIGHTS OF MAN" IN APRIL 1977 IS AN EXAMPLE OF THE GROWING SENSITIVITY OF THE GOVERNMENT.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING LIMITED OFFICIAL USE

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FREEDOM FROM:

A. TORTURE

THERE HAVE BEEN PERIODIC CHARGES THAT TORTURE IS USED IN INTERNAL SECURITY OPERATIONS. THE GOVERNMENT HAS VEHEMENTLY DENIED THESE ALLEGATIONS AND THE U.S. GOVERNMENT HAS NO EVIDENCE THAT WOULD CONFIRM THEM.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

THERE HAVE BEEN ALLEGATIONS OF MISTREATMENT IN TUNISIAN PRISONS, MOST RECENTLY DURING THE TRIAL OF POLITICAL OPPONENTS IN THE SUMMER OF 1977. EVIDENCE TO CONFIRM THESE ALLEGATIONS IS LACKING.

C. ARBITRARY ARREST OR IMPRISONMENT

ALL PERSONS PRESENTLY IMPRISONED ARE ACCUSED OF, OR HAVE BEEN CONVICTED OF, COMMITTING SOME ACT PROSCRIBED BY TUNISIAN LAW.

D. DENIAL OF FAIR PUBLIC TRIAL

THE TUNISIAN JUDICIAL SYSTEM, WHICH IS BASED ON THE FRENCH

MODEL, AFFORDS ACCUSED PERSONS A FAIR AND PUBLIC TRIAL WITH RIGHT TO COUNSEL. THERE HAVE BEEN NO ALLEGATIONS THAT AN ACCUSED HAS BEEN DENIED A FAIR TRIAL. THE COURT'S RULING THAT THE DEFENDANTS IN THE POLITICAL TRIALS OF 1977 WERE NOT GUILTY OF THE PRINCIPAL CHARGES REFLECTS THE INDEPENDENCE OF THE JUDICIAL SYSTEM.

C. INVASION OF THE HOME

THE PROVISION OF THE TUNISIAN CONSTITUTION GUARANTEEING LIMITED OFFICIAL USE

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"PRIVACY OF THE HOUSE AND CORRESPONDENCE" TO OUR KNOWLEDGE HAS BEEN RESPECTED.

2. GOVERNMENT POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION

TUNISIA'S 1976 BUDGET, TYPICAL OF PREVIOUS BUDGETS, INDICATES THE GOVERNMENT'S EMPHASIS AND CONCERN FOR THE NEEDS OF THE POOR. EDUCATION RECEIVES 22.4 PERCENT OF TOTAL GOVERNMENT EXPENDITURES; DEFENSE, 6.97 PERCENT; AND PUBLIC HEALTH, 8.7 PERCENT. THE WORLD BANK'S 1977 ECONOMIC REPORT ON TUNISIA STATES: "THE GOVERNMENT HAS TAKEN MEASURES TO IMPLEMENT THESE PRIORITIES (MOBILIZING RESOURCES AND IMPROVING THE WELFARE OF THE TUNISIAN PEOPLE) IN AN ATTEMPT TO COMBINE RAPID ECONOMIC GROWTH WITH INCREASINGLY EQUITABLE DISTRIBUTION OF ITS BENEFITS." THIS REPORT FURTHER COMMENTS WITH RESPECT TO THE NEW FIVE-YEAR PLAN THAT "SUBSTANTIAL ECONOMIC GAINS COULD BE DISTRIBUTED TO THE TUNISIAN PEOPLE THROUGH A NUMBER OF POLICY MEASURES RESULTING FROM THE GOVERNMENT'S CONCERN WITH SOCIAL BALANCE".

3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION AND ASSEMBLY

FREEDOM OF THOUGHT AND RELIGION ARE GUARANTEED IN THE CONSTITUTION AND ARE RESPECTED. BY LAW THE PRESIDENT MUST BE A MUSLIM. TUNISIA'S TREATMENT OF ITS JEWISH CITIZENS, A SMALL BUT SIGNIFICANT MINORITY GROUP, IS EXEMPLARY IN THE ARAB WORLD. LEGAL EQUALITY OF WOMEN IS GUARANTEED BY THE LIMITED OFFICIAL USE

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CONSTITUTION AND STRONGLY ADHERED TO IN PRACTICE. TUNISIA HAS BEEN AMONG THE LEADERS IN THE ARAB WORLD IN ITS PROGRESSIVE STANCE ON THE STATUS OF WOMEN.

THE CONSTITUTION ALSO GUARANTEES FREEDOM OF EXPRESSION, OPINION, AND ASSEMBLY. THE POLICIES AND VIEWS OF THE

SINGLE POLITICAL PARTY DOMINATE MOST FORMS OF PUBLIC EXPRESSION, AND THE GOVERNMENT DISCOURAGES, THROUGH ITS CONTROL OF PAPER SUPPLY, THE PREPARATION AND CIRCULATION OF PRINTED MATERIAL NOT CONFORMING TO GOVERNMENT POLICIES. PERMISSION TO HOLD PUBLIC POLITICAL MEETINGS CRITICAL OF THE PARTY OR ESTABLISHED INSTITUTIONS IS USUALLY DENIED. TUNISIAN POLITICAL ACTIVISTS WHO CONFINE THEMSELVES TO THE VERBAL EXPRESSION OF THEIR VIEWS IN PRIVATE ARE NOT SUBJECT TO HARASSMENT. THE GOVERNMENT GRANTED ITS APPROVAL IN OCTOBER 1977 OF A NEW ARABIC NEWSPAPER WHICH WILL BE PUBLISHED BY LEADERS OF THE TUNISIAN "SOCIAL DEMOCRATIC" GROUP.

THE TUNISIAN WORKERS UNION (UGTT) IS THE SOLE LABOR CONFEDERATION AND IS INDEPENDENT OF THE GOVERNMENT AND PARTY. THE UGTT HAS OFTEN PUBLICLY ARTICULATED WORKERS' VIEWS ON ISSUES, EVEN WHEN AT VARIANCE WITH THE PARTY AND THE GOVERNMENT. STRIKES OFTEN OCCUR.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION

THERE ARE NO LEGAL OR OTHER RESTRICTIONS ON MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, OR EMIGRATION.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

THE TUNISIAN POLITICAL SYSTEM IS A ONE-PARTY STATE. NEARLY ALL MAJOR ELEMENTS OF TUNISIAN SOCIETY ARE REPRESENTED IN THE PARTY. "POLITICAL ORTHODOXY" IS BROADLY DEFINED, AND DISSENT, WHILE CONSTRAINED, IS ALLOWED WITHIN THE CONFINES OF THE OFFICIAL PARTY. HOWEVER, THE PARTY HAS EXPELLED SOME MEMBERS WHOSE VIEWS CONFLICTED SHARPLY WITH THOSE OF THE LEADERSHIP.

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4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL

AND NON-GOVERNMENT INVESTIGATION OF ALLEGED VIOLATIONS
OF HUMAN RIGHTS

THE TUNISIAN GOVERNMENT'S RECENT PROPOSAL TO INVITE MEMBERS
OF THE "LEAGUE FOR THE RIGHTS OF MAN" TO INVESTIGATE
PRISON CONDITIONS AND ITS WILLINGNESS TO ALLOW OUTSIDE
OBSERVERS FROM AMNESTY INTERNATIONAL AT THE TRIAL OF AL-
LEGED ANTI-GOVERNMENT ACTIVISTS ILLUSTRATE TUNISIA'S EN-
COURAGING POLICY IN THIS REGARD. END TEXT. VANCE

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